



# **State of Maryland**

## **Policies and Procedures for Drivers of State Vehicles**

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**Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor  
James C. DiPaula, Jr., Secretary  
Department of Budget and Management**

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## DEFINITIONS

**AGENCY HEAD:** The chief executive officer at the Agency, or the officer's designee.

**ALTERNATIVE FUEL:** Fuel other than gasoline or diesel such as methanol ethanol and other alcohols; mixtures of 85% or more of these other alcohols with other fuels such as gasoline; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels derived from biological materials, electricity, etc.

**ASSIGNED VEHICLE:** Any State vehicle assigned to an individual in accordance with the DBM assignment criteria.

**AUTHORIZED DRIVER:** A State employee who meets the eligibility criteria to drive a State vehicle as set forth in the *Policies and Procedures for Drivers of State Vehicles*, and has certified an understanding of the rules by signing the Acknowledgement Statement.

**BI-FUEL VEHICLE:** Vehicles that have two fuel systems, one with an alternative fuel and one with a conventional fuel, and which may operate on one fuel at a time, or, in some medium- and heavy-duty systems, a combination of the alternative and conventional fuels.

**COMMUTE MILES:** Distance traveled between driver's home and the driver's assigned office location.

**COMMUTE CHARGE:** A bi-weekly charge assessed to non-exempt authorized drivers for commuting privileges.

**DBM:** The Department of Budget and Management

**FLEXIBLE-FUEL VEHICLE:** Any motor vehicle engineered and designed to be operated on an alternative fuel, a petroleum fuel, or a broad mixture of the two.

**LTVs:** Pick-up trucks and vans with a gross vehicle weight of 8,500 pounds or less.

**LAW ENFORCEMENT OFFICER:** A person who in an official capacity is authorized by law to make arrests.

**MAINTENANCE SERVICE CARD:** Card provided to agencies from the National Fleet Service Contractor used to obtain maintenance, repairs, and emergency road services from approved network vendors.

**NATIONAL FLEET SERVICE AGREEMENT:** An agreement between a National Fleet Service Contractor and the State permitting the State to access a network of maintenance and repair facilities and obtain National Fleet pricing on vehicle maintenance and repair services for those State vehicles enrolled with the Contractor.

**OFFICE:** The principal office or official duty station to which an authorized driver is assigned as determined by the Agency Head.

**POOL VEHICLE:** Any State vehicle that is not assigned to an individual.

**SECRETARY:** The Secretary of Budget and Management or the Secretary's designee.

**STATE VEHICLE:** Any motor vehicle titled, rented or leased to the State of Maryland.

## **1. INTRODUCTION**

### **1.1 SCOPE**

These policies and procedures apply to all State-owned or leased motor vehicles used for official State business within the Executive Branch of the State Government. These policies and procedures are adopted pursuant to State Finance and Procurement Article §3-503 of the Annotated Code of Maryland.

These policies and procedures are designed as minimal requirements and do not prohibit agencies from establishing and enforcing more stringent requirements within their own jurisdiction. State agencies shall establish necessary procedures to ensure compliance with established policies and procedures.

### **1.2 EXCEPTIONS**

Exceptions to any of the provisions of the Policies and Procedures for Drivers of State Vehicles require written authorization from the Secretary.

### **1.3 FAILURE TO COMPLY WITH THE POLICIES AND PROCEDURES**

Failure to comply with these policies and procedures may subject an employee to disciplinary action, including termination.

## **2. DRIVER ELIGIBILITY AND USAGE OF STATE VEHICLES**

Only authorized drivers are eligible to drive a State vehicle. The privilege to drive a State vehicle is contingent upon compliance with the Policies and Procedures for Drivers of State Vehicles.

Prior to driving a State vehicle, the driver shall sign an Acknowledgement Statement (Appendix 1). A copy of the signed Acknowledgement Statement shall be retained by the Agency fleet manager. Drivers who do not sign the Acknowledgement Statement are NOT authorized to drive State vehicles.

### **2.1 DRIVER ELIGIBILITY**

In order to be eligible to drive a State vehicle a driver must have a driver's license valid in the State of Maryland and appropriate for the class of vehicle driven and have five (5) or fewer points on his/her current driving record.

Eligibility shall be immediately suspended for a driver who is charged with any motor vehicle violation for which a penalty of incarceration is possible while driving a State vehicle. Motor vehicle citations for these violations will indicate that the violation is a “Must Appear” violation and that the driver must appear when notified by the Court. Eligibility shall remain suspended until the Agency’s Accident Review Board has reviewed the occurrence, and a decision regarding further action is made.

Drivers who have had their driving privilege suspended as a result of point accumulation, being charged with any offense for which a penalty of incarceration is possible while driving a State vehicle, or a determination by the Accident Review Board or Agency Head shall be reimbursed for use of a private vehicle at no more than one-half of the effective State reimbursement rate.

## **2.2 DRIVER RECORD REVIEW**

The driving record of each authorized driver will be reviewed by the Agency when the driver signs the Acknowledgement Statement and when information is received regarding an authorized driver’s point accumulation via the MVA’s Special Attention Code Flag System.

Drivers with out-of-state driver’s licenses must provide a certified copy of their driver record to the Agency when they sign the Acknowledgement Statement, and annually thereafter. Drivers with out-of-state driver’s licenses must notify their Agency fleet manager in the event they accumulate more than five (5) points on their driving record. This notification must occur within ten (10) days of the points being assessed.

## **2.3 PERMISSIBLE USE OF STATE VEHICLES**

State vehicles are to be used to conduct official State business. Whenever possible, trips should be planned to coincide with other authorized driver travel requirements so that vehicles are used efficiently and economically.

- a. State vehicles shall not be used for personal reasons, including to transport friends or members of the family (e.g., transporting children to and from school).
- b. Passengers in State automobiles are limited to persons being transported in connection with State business.
- c. There shall be no smoking in State vehicles.

## **2.4 VEHICLE MILEAGE LOG**

- a. A Vehicle Mileage Log shall be maintained in each State sedan or LTV on a monthly basis.
- b. All drivers must complete a Vehicle Mileage Log, indicating all destinations by official and commute mileage. Agencies are required to maintain these logs for audit purposes. A Vehicle Mileage Log is included as Appendix 2.
- c. Elected Officials, Department Secretaries and heads of independent Agencies are not required to maintain a Vehicle Mileage Log. However, month-ending odometer readings must be reported in WebFleetMaster for each vehicle driven by an Elected Official, Department Secretary or independent Agency Head.

## **2.5 SAFETY**

All drivers shall operate State vehicles in compliance with the Motor Vehicle Laws of the jurisdiction in which the vehicle is being driven and in a manner that reflects concern for safety and courtesy towards the public.

- a. An authorized driver shall operate a State vehicle in accordance with any license requirements or restrictions, such as corrective lenses, daytime only, etc.
- b. The driver of a State vehicle shall take every precaution to ensure the safety of passengers. No person may ride in a State vehicle unless properly restrained by a seat belt or, in the case of children, an appropriate child safety seat. It shall be the driver's responsibility to ensure that all passengers are properly restrained.
- c. All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions. All traffic and parking violations and fines, including any late fees or penalties, are the responsibility of the driver involved. Failure to promptly pay a violation or fine may result in disciplinary action.
- d. The use of a wireless phone by the driver in a moving State vehicle is strongly discouraged, except in cases of emergency. A driver should make every effort to place or receive calls when the vehicle is not moving.
- e. The driver of a State vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage requires the keys be left with the vehicle.

- f. Authorized drivers of State vehicles are personally responsible for vehicles operated by them. If a State vehicle is damaged beyond repair as a result of misuse or gross negligence the operator of the vehicle may be required to make restitution of the difference between the amount obtained as salvage value and the amount of the then current wholesale value of the vehicle as reported in the *National Auto Research Black Book Used Car Market Guide, MD Edition*.

## **2.6 MOVING VIOLATION REPORTING**

An authorized driver, including Agency Heads, charged with a moving violation or a must appear violation while driving a State vehicle shall notify his/her Agency fleet manager immediately, and in no case later than the following business day. In turn, the Agency shall notify DBM in writing within two business days of receiving notice of the charge. Failure to timely report the receipt of a moving violation or a must appear violation may result in disciplinary action.

## **2.7 ACCIDENT GUIDELINES AND REPORTING**

If there is an accident involving a State vehicle the State Accident Guidelines (Appendix 3) should be followed. A copy of these guidelines will be kept in the Vehicle Mileage Log folder.

Authorized drivers, including Agency Heads, who are involved in an accident while driving a State vehicle shall report the accident to their Agency fleet manager immediately, and in no case later than the following business day, even if no other vehicle is involved or there are no apparent injuries or damages. The Agency shall notify DBM in writing within two business days of receiving notice of the accident if the damage cost is anticipated to exceed \$1,000 or personal injury is involved. This information should include the vehicle(s) involved, the driver's name, the date of the accident, the type of accident, and whether injuries were involved. DBM notification is not required in the event the authorized driver involved in an accident is a law enforcement officer.

## **3. DRIVER ASSIGNMENT, COMMUTE AND TAX LIABILITY**

### **3.1 ASSIGNMENT CRITERIA**

Assignment of a State vehicle to an individual authorized driver is based solely on the requirement for official use, and should result in the most effective and economical use of the vehicle. In assigning State vehicles, Agency fleet staff shall consider the driver's expected official mileage accumulation, specific field assignment, and the need for specialized vehicle equipment in performance of the driver's job.



### **3.2 DRIVER COMMUTE CHARGE**

**In most cases, drivers who are assigned a State vehicle are subject to a commute charge.** The commute charge is based upon the driver's normal commute from their home to their assigned office at a per mile rate determined by DBM. This charge is collected via payroll deduction and will be amended by the Agency if the driver moves, is reassigned to a new office, or is assigned a higher cost vehicle.

The assigned driver shall complete a State Auto Commute Charge Form MFOMS-17 prior to accepting assignment of a State vehicle. This form will be provided by the Agency fleet manager.

### **3.3 COMMUTE RECORDS**

All commute miles shall be recorded in the Vehicle Mileage Log. If an authorized driver leaves home in a State vehicle and comes to the assigned office any time during the day, the normal one-way commute mileage shall be recorded on the Vehicle Mileage Log. If the authorized driver returns home that same day, a normal two-way commute shall be recorded on the Vehicle Mileage Log. However, if an authorized driver leaves home and conducts business without stopping at the assigned office, mileage up to the driver's normal round trip commute is to be recorded as commute miles on the Vehicle Mileage Log, and only those miles in excess of the driver's normal commute are to be recorded as official miles on the Vehicle Mileage Log.

Authorized drivers whose duties are primarily field assignments and who report to the designated office on an average of once a week or less, and have a DBM approved commute exemption (see Section 3.4) are not required to record commute miles.

As provided in Section 2.4, Elected Officials, Department Secretaries, and heads of independent Agencies are exempt from this requirement.

### **3.4 COMMUTE EXEMPTIONS**

In a limited number of situations, upon request by the Agency Head, an assigned driver may be exempted by DBM from paying the commute charge. These exemptions are limited to situations in which (1) the assigned driver does not commute in the vehicle, (2) the vehicle is assigned to field personnel who report to the assigned office one day or less per week, (3) the assigned driver is a law enforcement officer, or (4) the assigned driver responds to emergency situations **and** requires highly specialized equipment to perform the driver's job. The decision to grant an exemption rests with DBM. Questions concerning eligibility for an exemption should be directed to the Agency fleet manager.

Assigned drivers who are eligible for an exemption shall complete a Certification of Exemption, State Motor Vehicle Commute Charge MFOMS-18, have the form signed by their supervisor,

and submit the form to the Agency fleet manager for review and processing. The Agency fleet manager will provide this form.

### **3.5 TAX LIABILITY**

Every individual who commutes in a State-owned or leased motor vehicle is required to report use of the vehicle as a fringe benefit for income tax purposes. **This requirement applies to authorized drivers who pay the State commute charge as well as those who the State exempts from paying the commute charge.** The exception is those employees who commute on an occasional or infrequent basis (once a month or less) or commute in a qualified nonpersonal-use vehicle as defined by the IRS. In both cases, exceptions must be determined by the agency.

Each driver is personally responsible to the IRS for the submission of accurate information to his employer. The taxable fringe benefit will be calculated based on IRS guidelines, and reported on an Auto Fringe Value Calculation/Reporting Form (a sample reporting form is included as Appendix 4). The Agency will notify authorized drivers annually of reporting requirements and provide forms and instructions.

The State of Maryland does not deduct and withhold Federal and State income taxes with respect to the non-cash fringe benefits attributable to an individual's personal use of a State vehicle provided by the State. Instead, the value of the fringe benefit will be included on the individual's last two bi-weekly earnings statements of the year and on the annual Wage and Tax Statement (Form W-2) and all applicable taxes will be withheld.

More information concerning the fringe benefit program is available on the DBM website at <http://www.dbm.maryland.gov> (select *Other Services*, then select *State Fleet Management Services*).

## **4. VEHICLE MODIFICATION**

Modifications to State vehicles for personal reasons are prohibited. If necessary for official State business, the Agency may approve the modification of a State vehicle. Bumper stickers are prohibited.

## **5. FUEL**

State vehicles shall be fueled from the Statewide Automated Fuel Dispensing and Management System except for emergencies or rare and unusual instances when such use is not possible. When available, alternative fuel shall be used in bi-fuel and flexible-fuel vehicles.

## **6. MAINTENANCE AND REPAIR**

### **6.1 DRIVER'S RESPONSIBILITY**

Authorized drivers who are assigned a vehicle share responsibility with the Agency fleet manager for assuring that their assigned vehicle is properly maintained. Authorized drivers should discuss the Agency maintenance requirements, procedures, and the driver's specific responsibilities for maintenance with the Agency fleet manager or their designee.

Authorized drivers of pool vehicles are responsible for reporting observed mechanical problems to the Agency fleet manager or their designee.

### **6.2 NATIONAL FLEET SERVICE AGREEMENT**

Drivers shall use the existing National Fleet Service Agreement for maintenance and repair of all sedans, light trucks and vans with the exception of:

- Agencies having in-house maintenance and repair capabilities.
- Emergency conditions when the vehicle cannot be safely driven or towed to a network vendor.
- An Agency has been exempted in writing by the Secretary.

Each State vehicle that is enrolled in the National Fleet Service Agreement will have a Maintenance Service Card. The Maintenance Service Card may only be used for expenses related to that State vehicle. Under no circumstance are these cards to be left in the custody of maintenance facility attendants.

## **7. REIMBURSEMENT FOR PARKING AND TOLLS**

State employees shall be reimbursed for legitimate and documented parking and toll expenses incurred while conducting State business.

## **APPENDICES**

**ACKNOWLEDGEMENT STATEMENT  
POLICIES AND PROCEDURES FOR DRIVERS OF STATE VEHICLES**

**TO:** ALL DRIVERS OF STATE VEHICLES

Drivers are required to read the Policies and Procedures for Drivers of State Vehicles and sign this Acknowledgement Statement at the bottom of the page. The signed statement must be retained by the Agency Fleet Manager.

Only drivers who have signed this Acknowledgement Statement may operate state vehicles.

\*\*\*\*\*

**ACKNOWLEDGEMENT**

The undersigned certifies he/she has read the Policies and Procedures for Drivers of State Vehicles.

I am aware that a violation of these rules would be cause for disciplinary action.

SIGNED: \_\_\_\_\_

NAME: \_\_\_\_\_

AGENCY: \_\_\_\_\_

CLASSIFICATION: \_\_\_\_\_

DATE: \_\_\_\_\_

(Please print or type all information)

[illegible]

**GENERAL GUIDELINES WHEN INVOLVED IN AN ACCIDENT**

1. Stop as near to the scene as is safely practical; avoid blocking traffic and otherwise minimize potential danger to others.
2. If necessary, notify appropriate emergency medical and/or fire rescue personnel.
3. Make every effort to have a police officer respond to the accident scene. The officer must be requested to make a formal report. Failure to follow this procedure must be fully explained in writing (Attach to AUTO LOSS REPORT).
4. Provide identification to involved parties.
5. Protect State property.
6. Cooperate with police and emergency medical personnel.
7. DO NOT admit negligence or fault or offer settlements.
8. Obtain names and addresses of witnesses and all involved parties.
9. Record the license plate numbers of all involved vehicles.
10. Obtain drivers license and insurance information from other involved parties.
11. Notify appropriate Agency representative as soon as possible.
12. Accidents involving evacuation by emergency medical personnel shall be reported immediately by telephone to the Insurance Division of the State Treasurer's Office at 410-260-7684.
13. The State Agency should advise the claimant/attorney to contact the Insurance Division of the State Treasurer's Office with questions.
14. The Insurance Division personnel will instruct the claimant/attorney as to the proper procedure for filing a formal notice of claim.  
MAKE NO OTHER COMMENTS. VOLUNTEER NO INFORMATION.
15. Forward a copy of any correspondence received relative to a claim to the Insurance Division of the State Treasurer's Office at 80 Calvert Street, Room 400, Annapolis, MD 21401.

**AUTO FRINGE VALUE CALCULATION/REPORTING FORM**

Last Name	First Name	M.I.	Work Phone
Social Security No.	Agency Code	Auto Fringe Value	
<b>SECTION I: COMMUTE RULE VALUATION METHOD</b>			
1. Numbers of one-way commute trips from home to office or first duty station of the day during the reporting period.			
2. Numbers of one-way commute trips to home from office or last duty station of the day during the reporting period.			
3. Add lines 1 and 2 and enter sum here.			
4. Multiply line 3 total by \$1.50 and enter result here and on line 19.			
<b>SECTION II: CENTS PER MILE RULE VALUATION METHOD</b>			
5. Total number of commute/personal miles driven before January 1, 2004.			
6. Total number of commute/personal miles driven after December 31, 2003.			
7. Multiply line 5 by \$0.36 and enter here.			
8. Multiply line 6 by \$0.375 and enter here.			
9. Enter salary and fringe benefits paid by the State for a State-provided chauffeur.			
10. Add lines 7,8, and 9 and enter sum here and on line 20.			
<b>SECTION III: LEASE VALUE RULE VALUATION METHOD</b>			
11. Annual lease value amount (from IRS table).			
12. Total number of miles driven.			
13. Total number of commute/personal use miles.			
14. Percentage of personal to total miles (line 13 divided by line 12).			
15. Multiply line 11 by line 14 and enter here.			
16. Employer paid fuel – multiply line 13 by 5.5 cents and enter here.			
17. Enter salary and fringe benefits paid by the State for a State-provided chauffeur.			
18. Add line 15, 16 and 17 and enter sum here and on line 21.			
<b>SECTION IV: TOTAL AUTO FRINGE VALUE</b>			
19. Enter total from SECTION I, line 4 here.			
20. Enter total from SECTION II, line 10 here.			
21. Enter total from SECTION III, line 18 here.			
22. Enter total commute payments to State for use of a State vehicle.			
23. Subtract line 22 from line 19, 20, or 21; enter here and in section marked "AUTO FRINGE VALUE" above (do not enter value less than 0).			

The information on this sheet is furnished by me and is true and correct to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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